

**Enrolled Minutes of the Sixty-Fifth Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, September 20, 2010**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 20, 2010 at 6:40 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper, Brian Novak, and Mark Herak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council and the Clerk-Treasurer discussed issues related to business licensing and the number of appeals for reduced license fee.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 20, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings.

The session was opened with Councilor Brian Novak leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Jared Tauber, Attorney with Tauber, Westland and Bennett, P.C.; Jack Lannon, General Supervisor of Public Works; Kevin Hussey, Street and Sanitation Supervisor; Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were also present.

*Also present:* Lisa Gauthier of the Community Events Commission and Jerry McMahon of the Board of Waterworks Directors were present.

Robin Carlascio of the Idea Factory and Editor of the monthly municipal newsletter was also present.

**Minutes of the Previous Session**

The minutes of the regular (rescheduled) meeting of 07 September 2010 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the **Sanitation and Streets Department of the Corporation General Fund in the amount of \$31,000** and in the **Solid Waste District Grant Fund, in the amount of \$34,500.**
  - (a) Attorney verification of Proofs of Publication: The TIMES 09 Sept. 2010. Mr. Jared Tauber indicated that proofs of publication were in compliance with IC 5-3-1.
  - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2010-37:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the **Solid Waste District Grant Fund, in the amount of \$34,500**, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq. *Councilor Kuiper introduced and moved the consideration at the same meeting of introduction of Enactment No. 2010-37. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction. Councilor Kuiper moved the passage and adoption at the same meeting of introduction of Enactment No. 2010-37. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.*

**Town of Highland  
Appropriation Enactment  
Enactment No. 2010-37**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SOLID WASTE DISTRICT GRANT FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Solid Waste District Grant Fund;**

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Solid Waste District Grant Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**SOLID WASTE DISTRICT GRANT FUND:**

Acct. No. 430.05 Leaf Collector:	<u>\$ 34,500.00</u>
Total Series:	\$ 34,500.00
<b>Total for Fund:</b>	<u><b>\$ 34,500.00</b></u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies are made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 20<sup>th</sup> Day of September 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 20<sup>th</sup> Day of September 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- (d) Action on **Appropriation Enactment No. 2010-38**: An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the **Sanitation and Streets Department of the Corporation General Fund in the amount of \$31,000**, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq. *Councilor Kuiper introduced and moved the consideration at the same meeting of introduction of Enactment No. 2010-38. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction. Councilor Kuiper moved the passage and adoption at the same meeting of introduction of Enactment No. 2010-38. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and negatives. The motion passed. The enactment was adopted.*

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
ENACTMENT NO. 2010-38

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE SANITATION AND STREETS DEPARTMENT OF THE CORPORATION GENERAL FUND, ALL PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Sanitation and Streets Department of the Corporation General Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Sanitation and Streets Department of the Corporation General Fund** and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND

**Sanitation and Streets Department**

Acct. No. 3XX.XX Solid Waste Service:	<u>\$ 31,000.00</u>
Total Series:	\$ 31,000.00
Total for Fund:	<u>\$ 31,000.00</u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure subject to an order of the Commissioner, pursuant to IC 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 et seq.

Introduced and Filed on the 20<sup>th</sup> Day of September 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 20<sup>th</sup> Day of September 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Public Hearing.** Proposed Changes to the Non Recurrent Rates and Charges of the Town of Highland Waterworks Utility.
  - (a) Verification of Proof of Publication. (TIMES 09-10-2010). Jared Tauber indicated that the proof of publication was in compliance with IC 5-3-1.
  - (b) Public Hearing. The Town Council President called the hearing to order.
    1. Rick Volbrecht, 9221 Parkway drive, Highland, expressed opposition to the proposed surcharge, insisting that it is too high.
    2. Jerry McMahon, 10124-4thPlace, Highland, expressed support for the proposed fee and reported from notes on the calculation that was the basis for the rate.
    3. Ted Oberc, 2704 Lincoln Street, Highland, inquired as to the cost savings that is estimated from the change in meters that may be electronically read.
    4. Jim Raymond, 8824 Fifth Street, Highland, suggested charging the owners for the cost of the meter and the change out.

There being no further discussion, the hearing was closed.

- (c) **Action on Introduced Ordinance No. 1475:** An Ordinance to Amend Chapter 190 of the Highland Municipal Code Regarding the Department of Waterworks by Amending portions of Section §190.11 regarding Rates and Charges, all pursuant to I.C. 36-1-4, IC 36-1-5, IC 8-1.5-3-8.1 and IC 8-1.5-4 et sequitur. *At its meeting of September 2, 2010, the Board of Waterworks Directors approved a certain non recurrent fee change and transmitted this ordinance for the consideration of the Town Council. Councilor Zemen introduced and filed the Ordinance at the Town Council meeting of September 7<sup>th</sup>, 2010. In pertinent part, the governing law reads: "After the hearing, the municipal legislative body shall adopt the ordinance establishing the rates and charges, either as originally introduced or as modified. A copy of the schedule of rates and charges adopted shall be kept on file and available for public inspection in the offices of the board and the municipal clerk." All pursuant to IC 8-1.5-3-8.1(c) and Section § 190.07(H)(4) of the Municipal Code*

Councilor Kuiper moved the passage and adoption of Ordinance No. 1475. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE No. 1475  
of the  
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND CHAPTER 190 of the HIGHLAND MUNICIPAL CODE REGARDING the DEPARTMENT of WATERWORKS by AMENDING PORTIONS OF SECTION §190.11 REGARDING RATES AND CHARGES, all PURSUANT to I.C. 36-1-4, IC 36-1-5, IC 8-1.5-3-8.1 and IC 8-1.5-4 ET SEQUITUR.

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

**WHEREAS**, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

**WHEREAS**, The Town of Highland, is a municipality located in Lake County, which operates a water utility, which has been continuously governed by the provisions of IC 8-1.5-4 at least since 1983;

**Whereas**, The Town Council as Legislative Body of the Municipality passed an Ordinance adopting the provisions of IC 8-1.5-4 establishing a department of waterworks controlled by a board of directors;

**Whereas**, The Board of Waterworks Directors has passed and adopted a resolution approving and recommending certain changes to non-recurrent rates and charges of the utility for adoption by the Town Council, all pursuant to IC 8-1.5-3-8.1 and Section § 190.07 of the Municipal Code;

**WHEREAS**, The Town of Highland, through its Town Council now wishes to further perfect its own organization as well as that of the water utility and make modifications to the provisions of the municipal code establishing and governing the Department of Waterworks, as approved and recommended by the Board of Waterworks Directors, all pursuant to IC 8-1.5-4, IC 8-1.5-3-8.1 and Section § 190.07 of the municipal code;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Town Council as the municipal fiscal and legislative body makes the following findings and determinations:

(A) That Board of Directors of the Highland Department of Waterworks, at its special meeting of September 2, 2010, did pass and adopt Resolution No. 2010-010, in which among other things the Board approved a modification to recurrent rates and charges and recommended its adoption by the Town Council as desirable, and urging the Town legislative body to take steps necessary to execute this recommendation;

(B) That the recommendation for certain changes to rates and charges of the municipal water utility as approved by the Board of Waterworks Directors in the form of this ordinance, was transmitted to and filed with Clerk-Treasurer as clerk of the legislative body;

(C) That the rates and charges as recommended are found and determined to be non-discriminatory, reasonable and just rates and charges for services to the patrons of the water utility;

**Section 2.** That subdivision (C) of Section §190.11 of the Highland Municipal Code, is hereby repealed and now amended with a successor subdivision, styled as subdivision (C) of §190.11, which shall read as follows:

§ 190.11 SCHEDULE OF RATES AND CHARGES

(C) *Schedule of nonrecurring fees and charges.* The following additional fees and charges are set forth as follows:

(1) Service Deposit:

Residential.....	\$ 30.00
Small Business .....	50.00
Large business (Car wash, Laundromat, restaurant) .....	200.00
(Confer Waterworks Rule 1.8)	

(2) Construction Water Use:

Without meter. See building inspector for charges  
(Confer Waterworks Rule 1.10)

(3) Service Charge for Meters:

3/4" (5/8") .....	Meter Cost plus	50.00
1" .....	Meter Cost plus	50.00
1 1/2" .....	Meter Cost plus	50.00
For larger meters .....	Meter Cost plus	50.00

(4) Tapping / Inspection Charge

Residential	\$200.00
Commercial/Industrial	\$330.00

(5) Meter Testing (Residential).....\$ 35.00

- Meter testing all others.....Actual cost plus \$15.00  
(Confer Waterworks Rule 1.16(j))
- (6) Read-O-Matics:
- (7) Frozen or Carelessness/Repair of Meter:  
Fee scheduled by water department (Confer Waterworks Rule 1.16 (e))
- (8) Late or delayed payment charges. A late or delayed payment penalty may be charged for unpaid balances, which may remain after one billing cycle following the delinquency.  
Three percent (3%) per month on unpaid balance
- Service Restoration Charges:  
Turn Off Charge .....\$ 15.00  
Turn On Charge .....\$ 15.00  
(Confer Waterworks Rule 1.17.1(b))
- Urgent service restoration surcharge: .....\$ 50.00  
In addition to the fees above, a surcharge in the identified amount will be charged to restore water services Monday through Thursday after 3:00 p.m.
- (9) Returned or NSF Checks:.....Actual bank charge plus \$5.00 adm. fee  
(Confer Waterworks Rule 1.17.1 (h))
- (10) Maintenance of Service Pipes & Meter Boxes:  
Water wastage service fee after grace period .....\$20 per day  
(Confer Waterworks Rule 1.14)
- (11) **Manual Meter Reading Surcharge Fee .....\$28.33 per month**  
**(Confer Waterworks Rule 1.17.2)**

**Section 7. Schedule of Implementation.** The provisions of this Ordinance shall become and be in full force and effect *on the first day of the month first following* from and after the date of its passage and adoption upon the signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 7<sup>th</sup> day of September 2010. Consideration on same day or at same meeting of introduction was not permitted, pursuant to the terms of IC 8-1.5-3-8.1 and Section § 190.07 (I).

**DULY ORDAINED and ADOPTED** this 20<sup>th</sup> Day of September 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

### Communications:

**The following communications were acknowledged and by general consent the Town Council elected to defer action until discussion could be conducted at the next study session.**

1. Letter from Pete Cala, The Flooring Warehouse, 2224 Industrial Drive, Unit G, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that owner lives a great distance away and brought check in for only \$25. It would be inconvenient to return with another check. *Building and Inspection has been enforcing the license ordinance.*
2. Letter from Tom Fanno, Auto Butler/Tom's Auto Sales, 9237 Indianapolis Blvd, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that did not receive an application until 9/14. *Building and Inspection has been enforcing the license ordinance.*

3. Letter from Women's Center of NWI, 2942 Highway Avenue, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that it did not receive an application at its post office box. *Building and Inspection has been enforcing the license ordinance.*
4. Letter from Marco Leon, MC Custom Interiors, 9938 Express Drive, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that it is new and was unaware of the ordinance. *Building and Inspection has been enforcing the license ordinance.*
5. Letter from Robert Kaufman, B&A Construction, 3026 45<sup>th</sup> Street, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that it did not receive notice of due date. *Building and Inspection has been enforcing the license ordinance.*
6. Letter from Terry Krooswyk, Krooswyk Trucking, 9731 Indianapolis Boulevard, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that it did not receive notice of due date or an invoice. *Building and Inspection has been enforcing the license ordinance.*
7. Letter from Crowel Agency, 8244 Kennedy Avenue, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that it did not receive notice of due date or an invoice. *Building and Inspection has been enforcing the license ordinance.*
8. Letter from Hugh Brauer, Attorney at Law, 2811 Highway Avenue, Suite C, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that it did not receive notice of due date or an invoice. *Building and Inspection has been enforcing the license ordinance.*
9. Letter from Michael Kirincic, Michael's Restaurant, 2040 45<sup>th</sup> Street, Highland, requesting a waiver from a \$25 surcharge for payments made after 28 February of the Calendar year for Business Licensing, as set forth in Section § 110.05. This business indicated that it may have misplaced the original notice and reminder of due date. *Building and Inspection has been enforcing the license ordinance.*

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for August 2010**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial	0	0	0	\$0.00	\$0.00
Buildings:					
Commercial	4	0	4	\$355,558.00	\$4,745.00
Additions or					
Remodeling:					
Signs:	2	0	2	\$3,800.00	\$531.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential	0	0	0	\$0.00	\$0.00
Additions:					
Residential	84	84	0	\$489,978.00	\$9,234.00
Remodeling:					
Garages:	2	2	0	\$23,300.00	\$655.00
Sheds:	2	2	0	\$4,590.00	\$73.00
Decks & Porches:	10	10	0	\$51,009.00	\$2,050.50
Fences	8	8	0	\$31,233.00	\$881.00
Swimming pools:	2	2	0		\$146.00
Drain Tile	4	4	0	\$12,888.00	\$424.00
/Waterproofing					
Misc. (raze a	3	3	0		\$146.00
garage):					
<b>Total:</b>	<b>121</b>	<b>115</b>	<b>6</b>	<b>\$972,356.00</b>	<b>\$19,185.50</b>
<b>Electrical</b>	<b>11</b>	<b>7</b>	<b>4</b>	<b>0</b>	<b>\$1,052.50</b>
<b>Permits</b>					
<b>Mechanical</b>	<b>3</b>	<b>3</b>	<b>0</b>		<b>\$349.00</b>

<b>Permits</b>				
Plumbing Permits	3	3	0	\$268.00
Water Meters	0	0	0	\$0.00
Water Taps	0	0	0	\$0.00
Sewer/Storm Taps	0	0	0	\$0.00
<b>Total:</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>\$268.00</b>

**August Code Enforcement:** 199 warnings issued and 11 citations were issued.

There were 79 building inspections, 18 plumbing inspections, and 40 electrical inspections. There was one (1) electrical exams given.

• **Fire Department Report for August 2010**

	Month	Y.T.D.
General Alarms	12	97
Car Fires	1	8
Still Alarms	6	40
Ambulance calls	0	0

• **Workplace Safety Report for August 2010**

There were three incidents reported in August. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2010	Total in 2009	Restricted Days 2010	Lost Workdays This Year	Restricted Days Last Year (2009)	Lost Workdays Last Year (2009)
Parks	1	2	2	6	3	0	0
Fire	0	1	0	0	0	0	0
Police	1	7	9	39	23	0	0
Street	0	0	4	0	0	0	0
Water & Sewer	1	1	4	0	0	18	82
Maint.	0	1	0	68	0	0	0
Other	0	1	0	0	0	0	0
<b>TOTALS</b>	<b>3</b>	<b>13</b>	<b>19</b>	<b>113</b>	<b>26</b>	<b>18</b>	<b>82</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Appointments:**

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. Legislative Appointments to **Common Construction Wage Committee** for Project(s) Associated with pending \$890,000 bond sale authorized by Ordinance No. 1476. (One appointment to be made by the Town Council as owner of the project who represents Industry and one appointment to be made by Town Council as legislative body, all pursuant to IC 5-16-7-1(a)(4) and (5). Each must be a taxpayer who will pay the funding tax for the projects and reside in county.

Councilor Novak moved to appoint **John Bach**, 9153 Idlewild Drive, Highland and **Jack Lannon**, 3440- 42<sup>nd</sup> Street, Highland to the Common Construction Wage Committee as indicated. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The gentlemen were appointed.



**Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1477:** An Ordinance to Amend Chapter 150 of the Municipal Code which provides for a Department of Parks and Recreation and its Governance by a Park and Recreation Board, by repealing Section §150.01 in its entirety and providing for a new Section to be named Section § 150.01, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur. (At its meeting of September 07, 2010, the Town Council voted unanimously to request the proper person to prepare the necessary instrument to permit it to consider park and recreation board appointments without regard to political affiliation if the law permitted. This ordinance is presented pursuant to that request.) *Councilor Novak introduced and filed the ordinance. There was no further action.*
2. **Works Board Order No. 2010-42:** An Order Approving and Authorizing An agreement between Garcia Consulting Engineers and the Town of Highland to perform Professional Engineering Services during Construction for the Idlewild Avenue Reconstruction Project in the amount not-to-exceed \$34,800. *Councilor Vassar moved the passage and adoption of Works Board Order No. 2010-42. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.*

**TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD NO. 2010-42**

**AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING ENGINEERS AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL ENGINEERING SERVICES DURING CONSTRUCTION FOR THE IDLEWILD AVENUE RECONSTRUCTION PROJECT IN THE AMOUNT NOT-TO-EXCEED \$34,800.**

**Whereas,** The Town Council has heretofore determined that a need exists to reconstruct the 8700-8800 blocks of Idlewild Avenue and has implemented the Idlewild Avenue Reconstruction Project; and

**Whereas,** Garcia Consulting Engineers (Consultant) has offered and presented an agreement to provide and furnish professional engineering services during construction in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the additional services completed, in an amount not to exceed Thirty-four Thousand Eight Hundred Dollars and 00/100 cents (\$34,800); and

**Whereas,** There are or are expected to soon be sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas,** The Town of Highland, through its Town Council, acting as the Works Board now desires to approve the project and to accept and approve the agreement for services as herein described,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Professional Engineering Services during Construction Agreement, (incorporated by reference and made a part of this Order) between Garcia Consulting Engineers and the Town of Highland for the **Idlewild Avenue Reconstruction** Project is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That the terms and charges under the agreement for Professional Engineering Services during Construction in the not to exceed fee amount of Thirty-four Thousand Eight Hundred Dollars and 00/100 cents (\$34,800) are found to be reasonable and fair;

**Section 3.** That the Town of Highland, through its Town Council, believes that Garcia Consulting Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5 and Section § 31.64 of the Highland Municipal Code

**Section 4.** That the President of the Town Council be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

**Be is so Ordered.**

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 20<sup>th</sup> day of September 2010 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

/s/Mark A. Herak, President

Attest:

/s/ Michael Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

3. **Works Board Order No. 2010-43:** An Order Authorizing and Approving a First change order to the construction Contract SRS-32550 related to the *45<sup>th</sup> Avenue Resurfacing Project*, Western Terminus at Kennedy Avenue and Eastern Terminus at Kleinman Road, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18. *Councilor Novak moved the passage and adoption of Works Board Order No. 2010-43. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.*

THE TOWN OF HIGHLAND  
ORDER of the WORKS BOARD NO. 2010-43

AN ORDER AUTHORIZING and APPROVING a FIRST CHANGE ORDER to the CONSTRUCTION CONTRACT SRS-32550 RELATED to the 45<sup>TH</sup> AVENUE RESURFACING PROJECT, WESTERN TERMINUS AT KENNEDY AVENUE and EASTERN TERMINUS AT KLEINMAN ROAD, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18.

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Forty-Fifth Avenue Resurfacing Project**;

**Whereas**, In the course of the construction, reconstruction, or repair of the **Forty-Fifth Avenue Resurfacing Project**, it has become necessary to change or alter the original specifications of the project;

**Whereas**, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract, particularly in support of costs associated with items outlined and adjustment for road closure and detouring of traffic owing to finding that culvert by Cline Avenue Bridge renders it unsafe to remain open until its replacement, which has a net effect of increasing the contract cost; and

**Whereas**, There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

**Whereas**, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described;

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1** That the First Addendum to the Construction Contract **SRS-32550** for the **Forty-Fifth Avenue Resurfacing Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That this first addendum is hereby ordered to be known as **Change Order No. 1**, issued to add no net increases or decreases to the original agreement but instead to allow a time extension for completion of twenty (20) days, as requested by the contractor, due in part to the recent labor stoppage of the Teamsters, which ran from June 8<sup>th</sup> until June 27<sup>th</sup>;

**Section 3.** That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original amount being three hundred six thousand, three hundred eight dollars and fifty-two cents (\$306,308.52), which may not exceed three

hundred sixty-seven thousand, five hundred seventy dollars and twenty-two cents (\$367,570.22) all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered.**

**DULY, PASSED and ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 20<sup>th</sup> day of September 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/Mark A. Herak, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

*4.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$265 for work associated with Blitz 64 Roadblock. The pay is at 1.5 times the Commander's rate but is fully supported by a grant, which is authorized in the Wage and Salary Ordinance.*

Councilor Kuiper moved to approve the overtime pay as requested. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime for an exempt salaried employee was approved.

## **NEW BUSINESS**

*Amend Agenda.* Councilor Kuiper moved to amend the agenda to permit consideration of the Little Calumet River Disaster Plan and the Lake County Multi-Hazard Mitigation Plan. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended.

1. **Resolution 20010- 39:** A Resolution to Adopt the Little Calumet River Basin Development Commission Disaster Mitigation Plan and **Resolution No. 2010-40:** A Resolution to Adopt the Lake County Multi-Hazard Mitigation Plan. Councilor Kuiper moved to approve the resolutions. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and zero negatives. The motion passed. The resolutions were adopted.

### **TOWN OF HIGHLAND TOWN COUNCIL RESOLUTION No. 2010-39**

#### **A Resolution Approving the Little Calumet River Basin Development Commission Plan for Flood Mitigation**

**WHEREAS,** The Little Calumet River flows through the City of Gary, Town of Griffith, City of Hammond, Town of Highland, and the Town of Munster; and

**WHEREAS,** The Little Calumet River and the Hart Ditch drain an area of approximately 213 square miles of urban and rural land;

**WHEREAS,** In 2008 the remnants of Hurricane Ike released heavy rain, which caused the Little Calumet River to overflow its banks resulting in devastating flooding of houses, businesses and places of higher learning in Munster, Hammond and Gary;

**WHEREAS**, Initiated in 1990, there has been a 200 million dollar flood control project, supported by Federal, State and Local funds, constructed along the Little Calumet River and within its basin, conducted by the U.S. Army Corps. of Engineers, involving construction of 22 miles of levees and floodwalls, a control structure at Hart Ditch, and nearly 17 miles of hiking trails, to be completed by the end of 2010;

**WHEREAS**, The Little Calumet River Basin Development Commission has been established by public law, codified in IC 14-13-2 et seq., to promote the health and welfare of the citizens of Indiana by providing for the creation, development, maintenance, administration and operation of park, recreation, marina, flood control and other public works projects pertaining to the west branch of the Little Calumet River and the Burns waterway in Lake and Porter Counties;

**WHEREAS**, The flood events of 2008 demonstrated a need to develop a comprehensive emergency response plan in order to efficiently relay accurate information to a central authority and to coordinate the response of federal, state, and county resources to aid communities affected by a flood;

**WHEREAS**, The river channel, levees, and flood control devices will need to be continuously inspected and maintained in order to prevent future flooding; and

**WHEREAS**, The Little Calumet River Basin Development Commission has developed a flood mitigation and maintenance plan in cooperation with the City of Gary, Town of Griffith, City of Hammond, Town of Highland, and the Town of Munster to maintain the river channel, levees, and other flood control devices once the levee project is completed and to cooperate in emergency operations in the event of a flood;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Highland, Lake County as follows:

**Section 1.** That the Town of Highland, shall adopt the Little Calumet River Basin Development Basin Commission Flood Mitigation Plan, as amended from time to time, as part of the Town of Highland maintenance and disaster plan until such time as the Town formally rescinds this resolution or until such time as the Little Calumet River Basin Development Commission is dissolved by act of public law.

**Section 2.** The Clerk-Treasurer of the Town of Highland is hereby authorized to transmit an original rendering of this resolution to the proper officers of the Little Calumet River Basin Development Commission.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 20<sup>th</sup> day of September 2010. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W.Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**TOWN OF HIGHLAND  
TOWN COUNCIL RESOLUTION No. 2010-40**

**A Resolution Approving the Multi-Hazard Mitigation Plan for Lake County and its several Communities**

**WHEREAS**, The Town of Highland recognizes the threat that natural hazards pose to people and property; and

**WHEREAS**, Undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property, and thereby conserve taxpayer dollars and resources; and

**WHEREAS**, An adopted multi-hazard mitigation plan is required as a condition of future grant funding for mitigation projects; and

**WHEREAS**, The Town of Highland participated jointly in the planning process with other units of local government with the County to prepare a Multi-Hazard, Multi-Jurisdictional, Mitigation Plan;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Highland, Lake County as follows:

**Section 1.** That the Town of Highland hereby adopts the Lake County Multi-Hazard Mitigation Plan as an official plan;

**Section 2.** That the Lake County Emergency Management Agency will submit on behalf of the participating municipalities the adopted Multi-Hazard Mitigation Plan to the Indiana Department of Homeland Security and the Federal Emergency Management Agency for final review and approval;

**Section 3.** The Clerk-Treasurer of the Town of Highland is hereby authorized to transmit an original rendering of this resolution to the proper officers of the Lake County Emergency Management Agency to evidence its adoption.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 20<sup>th</sup> day of September 2010. Having been passed by a vote of **5** in favor and **0** opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

\_\_\_\_\_  
Mark A. Herak, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Michael W.Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Town Council Members  
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.*

Councilor Zemen acknowledged the Metropolitan Police Chief who reported on progress with the turn restriction that is desired for the Highland Grove at the Target entrance, proscribing left hand turns from the lot into Main Street.

Councilor Zemen further noted that he had enrolled in the forthcoming session of the Citizens' Police Academy.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison • Plan Commission member.*

Councilor Vassar had no comments.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

Councilor Novak had no comments.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper commended the Fire Department on its Open House, conducted on September 11, 2010.

- **Councilor Mark Herak:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Council President Herak recognized the Clerk-Treasurer, who reported that he would be testifying before an interim study committee of the Indiana General Assembly regarding the distribution formula for county income taxes.

Council President Herak recognized Kevin Huzzie, Street and Sanitation Supervisor, who discussed the disposition of the alley located proximate to Forth Street West and East as well as Fifth Street and the intention to seal coat the alley. A colloquy ensued regarding whether or not alley trash pick up would be eliminated there owing to concerns about the increased surface wear caused by the heavy trash collection trucks using the alley.

#### **Comments from the Public or Visitors**

1. Ron Johnson, \_\_\_\_\_ of Northern Indiana News Bureau (NIBee), inquired about the Cline Avenue Reconstruction Project status.
2. Rick Volbrecht, 9221 Parkway Drive, Highland, inquired as to the accuracy of the apportionment of days based upon semesters in the recent Interlocal Cooperation Agreement between the School Town and the Civil Town related to burden sharing for costs associated with the assignment of a School Resource Officer.
3. Jim Raymond, 8824 Fifth Street, Highland, inquired about any ordinance or contract provision that may govern the start and end times in which construction crews may begin work with heavy equipment each day. Mr. Raymond indicated that he lived proximate to the site of some sanitary sewer and storm sewer replacement work near the Second Christian Reformed or New Life Church, and the noise was a problem. He further reported that loud pile driving work started around 6:00 a.m. and recently noisy construction activity began at 5:30 a.m.

It was noted that the construction contract provides for a start time of 7:00 a.m.

4. Ted Oberc, 2704 Lincoln Street, Highland commented on Kennedy Avenue and the sidewalks along the southern part of Indianapolis Boulevard and the presence of weeds growing through some parts of the public way. Mr. Oberc his belief that it conveyed an undesirable image for the Town and asked the Town to redress the weeds if possible.
5. Janet Mika, 8110 Fifth Street, Highland, express appreciation for the planned application of seal coating for the alley near her home. She also inquired about how long would it take to have the policy of barring trash pick-up in the alley.

**Payment of Accounts Payable Vouchers.** Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period September 8, 2010 through to September 20, 2010. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$236,915.22; Motor Vehicle Highway and Street (MVH) Fund, \$10,758.71; Local Road and Street Fund, \$3,863.73; Law Enforcement Continuing Education, Training and Supply Fund, \$777.41; Insurance Premium Fund, \$117,444.64; Gasoline Payment fund, \$11,497.50; Information and Communications Technology Fund, \$6,682.19; Solid Waste District Grant Fund, \$743.35; Civil Donation Fund, \$39.97; Special Events Non Reverting Fund, \$21,663.04; Select Centennial Commission Fund, \$3,681.43; Rainy Day Fund, \$3,500.00; Municipal Cumulative Capital Development Fund, \$66,289.68; Traffic and Law Violations Fund, \$7,141.00; Safe Neighborhood Grant Fund, \$1,350.00; Sexual Predator Grant Fund, \$2,100.00; Gaming Revenue Sharing Fund, \$28,354.18; Corporation Capital Fund, \$18,236.72; Total: \$541,038.77.**

**Adjournment.** Councilor Zemen moved that the regular meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, September 20, 2010** was adjourned at 7:59 O'clock p.m. There was no study session following the plenary session.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer